

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

CANDY M. BALL,)	Case No.: 1:12 CV 2488
)	
Plaintiff)	
)	
v.)	
)	JUDGE SOLOMON OLIVER, JR.
)	
COMMISSIONER OF SOCIAL SECURITY,)	
)	
Defendant)	<u>ORDER</u>

On June 4, 2013, the court adopted in full Magistrate Judge Vernelis K. Armstrong's Report and Recommendation and ordered the Commissioner to consider Plaintiff's childhood educational and medical history, as well as the evaluations and diagnoses of Plaintiff's current treatment providers regarding Plaintiff's possible Attention Deficit Hyperactivity Disorder ("ADHD") (ECF No. 17). On June 10, 2013, Plaintiff filed a Motion for Attorney Fees and Costs under the Equal Justice Act (ECF No. 18), which the Commissioner opposed (ECF No. 20). The court again referred this motion to Magistrate Judge Armstrong.

Magistrate Judge Armstrong submitted her Report and Recommendation ("R&R") on August 12, 2013, recommending that Plaintiff's Motion be granted (ECF No. 22). Magistrate Judge Armstrong found that Plaintiff was the prevailing party in the previous proceedings, and was eligible for an award of fees pursuant to 42 U.S.C. § 405(g) and 28 U.S.C. § 2412(d)(2)(B). (R&R at 4-5, ECF No. 22.) Magistrate Judge Armstrong further found that the Government's position in denying Plaintiff benefits was not substantially justified as the Administrative Law Judge ("ALJ") failed to

properly examine and resolve conflicts in the submitted medical evidence. (*Id.* at 7.) Finally, the Magistrate Judge found Plaintiff's hours and fee rate demands to be reasonable, and recommended an award of \$4,765.15. (*Id.* at 10-12.)

As of the date of this Order, no objection to the Report and Recommendation has been filed. The court finds, after careful *de novo* review of the Magistrate Judge's Report and Recommendation and all other relevant documents in the record, that the Magistrate Judge's conclusions are fully supported by the record and controlling case law. Accordingly, the court adopts as its own the Magistrate Judge's R&R (ECF No. 22) and hereby awards Plaintiff \$4,765.15.

IT IS SO ORDERED.

/s/ SOLOMON OLIVER, JR.

CHIEF JUDGE
UNITED STATES DISTRICT COURT

September 11, 2013